

## REMARKS

In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject application. This communication removes issues relating to patentability and puts the  
5 Application in condition for allowance. As such Applicant respectfully requests that this communication be entered after final. Claim 35 is amended to correct a clerical error. This amendment does not affect the scope of the claim or patentability. No claims are cancelled. No claims are added. This communication is believed to be fully responsive to all issues raised in the  
10 Final Office Action mailed May 20, 2004.

### Claim Rejections

#### Rejections Under 35 U.S.C. §112

Claim 35 is rejected for improper antecedent basis. The claim has been  
15 amended to overcome this rejection. Applicant appreciates the Office thoroughness in evaluating the pending claims. In light of the amendment, Applicant respectfully requests that the §112 rejection of claim 35 be withdrawn.

#### 20 Rejections Under 35 U.S.C. §102/103

**Claims 35, 37-41, 43-46 and 48-55** are rejected under 35 U.S.C. §102(e) as being anticipated by US Pat No. 6,438,643 to Ohara et al (hereinafter, "Ohara '643").

**Claim 36** is rejected under 35 U.S.C. §103(a) by US Pat No. 6,438,643 to Ohara et al (hereinafter, “Ohara ‘643”) in view of US Pat No. 6,694,376 to Ohara et al (hereinafter, “Ohara ‘376”).

**Claim 47** is rejected under 35 U.S.C. §103(a) by US Pat No. 6,438,643 to Ohara et al (hereinafter, “Ohara ‘643”) in view of US Pat No. 6,105,066 to Hayes Jr. et al (hereinafter, “Hayes”).

**Claim 42** does not appear to be specifically addressed in the body of the Office Action but is listed as rejected on the Office Action Summary.

Applicant submits herewith a Declaration under 37 C.F.R. §1.131 and supporting documentation to evidence that the invention was conceived and reduced to practice in the United States prior to May 5, 1998, the earliest of the filing dates of the Ohara ‘643, Ohara ‘376 and Hayes Patents. Accordingly, the Ohara ‘643, Ohara ‘376 and Hayes patents should be removed as references because they are not prior art. As such claims 35-55 are allowable and Applicant respectfully requests that claims 35-55 be forwarded to issuance.

## CONCLUSION

Claims 35-55 are believed to be in condition for allowance. Applicant respectfully request reconsideration and prompt issuance of the present application. Should any issue remain that prevents immediate issuance of the application, the Examiner is encouraged to contact the undersigned attorney to discuss the unresolved issue.

Respectfully Submitted,  
Lee&Hayes PLLC

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